IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3130/2002

HARIPAL VS. BOARD OFF REVENUE & ORS.

DATE: 27.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Bhanu Pareek for the petitioner.

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Learned counsel Mr. Pareek, appearing for the petitioner candidly agreed that similar controversy has already been decided by this Court vide order dated 01.12.2006 passed in S.B. Civil Writ Petition No. 4227/2001- Sher Singh & Others Vs. Board of Revenue & Ors. The present case is also filed under sub-clause (1) and (2) of Section 212 of the Rajasthan Tenancy Act.

As per Section 212(2) of the Rajasthan Tenancy Act, any person against whom an injunction has been granted or in respect of whose property a receiver has been under sub section (1) may offer cash security in such amount as the court may determine to compensate the opposite party in case the suit or proceedings is decided against such persons, and on depositing the

amount of such security, the court may withdraw the injunction or the order appointing a receiver as the case may be.

This has been considered by the Revenue Appellate Authority and has not inclined to give the benefit under Section 212(2) of the Rajasthan Tenancy Act vide order dated 13.08.96 and the same has been upheld by the Board of Revenue vide its judgment dated 12.03.2001. Both the Courts below i.e. the Revenue Appellate Authority and the Board of Revenue upheld the order dated 31.12.86 passed by the Assistant Collector, Kishangarhbas, District Alwar.

In view of these facts, having considered the submissions made on behalf of the petitioner, I only deem it just and proper to direct the trial Court to decide the suite expeditiously, preferably within a period of one year from the date of receipt of certified copy of this Court. Both the parties shall co-operate in the matter.

If the suit is not decided within a period of one year, the petitioner would be at liberty to seek the review of the order passed by this Court.

With these observations, the writ petition stands disposed of.

The interim order dated 20.05.2002 granted by this Court stands rejected. The stay application also stands disposed of.

(K.S. RATHORE),J.

/KKC/